

105TH CONGRESS
2D SESSION

H. J. RES. 128

Making continuing appropriations for the fiscal year 1999, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 1998

Mr. LIVINGSTON introduced the following joint resolution; which was referred to the Committee on Appropriations

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1999,
and for other purposes.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That the following sums are hereby appropriated, out of
4 any money in the Treasury not otherwise appropriated,
5 and out of applicable corporate or other revenues, receipts,
6 and funds, for the several departments, agencies, corpora-
7 tions, and other organizational units of Government for
8 the fiscal year 1999, and for other purposes, namely:

9 SEC. 101. (a) Such amounts as may be necessary
10 under the authority and conditions provided in the appli-

1 cable appropriations Act for the fiscal year 1998 for con-
2 tinuing projects or activities including the costs of direct
3 loans and loan guarantees (not otherwise specifically pro-
4 vided for in this joint resolution) which were conducted
5 in the fiscal year 1998 and for which appropriations,
6 funds, or other authority would be available in the follow-
7 ing appropriations Acts:

8 (1) the Agriculture, Rural Development, Food
9 and Drug Administration, and Related Agencies Ap-
10 propriations Act, 1999;

11 (2) the Departments of Commerce, Justice, and
12 State, the Judiciary, and Related Agencies Appro-
13 priations Act, 1999, notwithstanding section 15 of
14 the State Department Basic Authorities Act of
15 1956, section 701 of the United States Information
16 and Educational Exchange Act of 1948, section 313
17 of the Foreign Relations Authorization Act, Fiscal
18 Years 1994 and 1995 (Public Law 103–236), and
19 section 53 of the Arms Control and Disarmament
20 Act;

21 (3) the Department of Defense Appropriations
22 Act, 1999, notwithstanding section 504(a)(1) of the
23 National Security Act of 1947;

24 (4) the District of Columbia Appropriations
25 Act, 1999;

1 (5) the Energy and Water Development Appro-
2 priations Act, 1999;

3 (6) the Foreign Operations, Export Financing,
4 and Related Programs Appropriations Act, 1999,
5 notwithstanding section 10 of Public Law 91–672
6 and section 15 of the State Department Basic Au-
7 thorities Act of 1956;

8 (7) the Department of the Interior and Related
9 Agencies Appropriations Act, 1999;

10 (8) the Departments of Labor, Health and
11 Human Services, and Education, and Related Agen-
12 cies Appropriations Act, 1999, the House and Sen-
13 ate reported versions of which shall be deemed to
14 have passed the House and Senate respectively as of
15 October 1, 1998, for the purposes of this joint reso-
16 lution, unless a reported version is passed as of Oc-
17 tober 1, 1998, in which case the passed version shall
18 be used in place of the reported version for purposes
19 of this joint resolution;

20 (9) the Legislative Branch Appropriations Act,
21 1999;

22 (10) the Department of Transportation and Re-
23 lated Agencies Appropriations Act, 1999;

24 (11) the Treasury and General Government Ap-
25 propriations Act, 1999; and

1 (12) the Departments of Veterans Affairs and
2 Housing and Urban Development, and Independent
3 Agencies Appropriations Act, 1999:

4 *Provided*, That whenever the amount which would be made
5 available or the authority which would be granted in
6 these Acts as passed by the House and Senate as of Octo-
7 ber 1, 1998, is different than that which would be avail-
8 able or granted under current operations, the pertinent
9 project or activity shall be continued at a rate for oper-
10 ations not exceeding the current rate: *Provided further*,
11 That whenever the amount of the budget request is less
12 than the amount for current operations and the amount
13 which would be made available or the authority which
14 would be granted in these appropriations Acts as passed
15 by the House and Senate as of October 1, 1998, is less
16 than the amount for current operations, then the pertinent
17 project or activity shall be continued at a rate for oper-
18 ations not exceeding the greater of the rates that would
19 be provided by the amount of the budget request or the
20 amount which would be made available or the authority
21 which would be granted in these appropriations Acts: *Pro-*
22 *vided further*, That whenever there is no amount made
23 available under any of these appropriations Acts as passed
24 by the House and Senate as of October 1, 1998, for a
25 continuing project or activity which was conducted in fis-

1 cal year 1998 and for which there is fiscal year 1999 fund-
2 ing included in the budget request, the pertinent project
3 or activity shall be continued at a rate for operations not
4 exceeding the lesser of the rates that would be provided
5 by the amount of the budget request or the rate for cur-
6 rent operations under the authority and conditions pro-
7 vided in the applicable appropriations Act for the fiscal
8 year 1998.

9 (b) Whenever the amount which would be made avail-
10 able or the authority which would be granted under an
11 Act listed in this section as passed by the House as of
12 October 1, 1998, is different from that which would be
13 available or granted under such Act as passed by the Sen-
14 ate as of October 1, 1998, the pertinent project or activity
15 shall be continued at a rate for operations not exceeding
16 the current rate under the appropriation, fund, or author-
17 ity granted by the applicable appropriations Act for the
18 fiscal year 1999 and under the authority and conditions
19 provided in the applicable appropriations Act for the fiscal
20 year 1998: *Provided*, That whenever the amount of the
21 budget request is less than the amount for current oper-
22 ations and the amounts which would be made available
23 or the authority which would be granted in these appro-
24 priations Acts as passed by the House and the Senate as
25 of October 1, 1998, are both less than the amount for

1 current operations, then the pertinent project or activity
2 shall be continued at a rate for operations not exceeding
3 the greater of the rates that would be provided by the
4 amount of the budget request or the amount which would
5 be made available or the authority which would be granted
6 in the applicable appropriations Act as passed by the
7 House or as passed by the Senate under the appropriation,
8 fund, or authority provided in the applicable appropria-
9 tions Act for the fiscal year 1999 and under the authority
10 and conditions provided in the applicable appropriations
11 Act for the fiscal year 1998.

12 (c) Whenever an Act listed in this section has
13 been passed by only the House or only the Senate as of
14 October 1, 1998, the pertinent project or activity shall be
15 continued under the appropriation, fund, or authority
16 granted by the one House at a rate for operations not ex-
17 ceeding the current rate and under the authority and con-
18 ditions provided in the applicable appropriations Act for
19 the fiscal year 1998: *Provided*, That whenever the amount
20 of the budget request is less than the amount for current
21 operations and the amounts which would be made avail-
22 able or the authority which would be granted in the appro-
23 priations Act as passed by the one House as of October
24 1, 1998, is less than the amount for current operations,
25 then the pertinent project or activity shall be continued

1 at a rate for operations not exceeding the greater of the
2 rates that would be provided by the amount of the budget
3 request or the amount which would be made available or
4 the authority which would be granted in the applicable ap-
5 propriations Act as passed by the one House under the
6 appropriation, fund, or authority provided in the applica-
7 ble appropriations Act for the fiscal year 1999 and under
8 the authority and conditions provided in the applicable ap-
9 propriations Act for the fiscal year 1998: *Provided further*,
10 That whenever there is no amount made available under
11 any of these appropriations Acts as passed by the House
12 or the Senate as of October 1, 1998, for a continuing
13 project or activity which was conducted in fiscal year 1998
14 and for which there is fiscal year 1999 funding included
15 in the budget request, the pertinent project or activity
16 shall be continued at a rate for operations not exceeding
17 the lesser of the rates that would be provided by the
18 amount of the budget request or the rate for current oper-
19 ations under the authority and conditions provided in the
20 applicable appropriations Act for the fiscal year 1998.

21 SEC. 102. No appropriation or funds made available
22 or authority granted pursuant to section 101 for the De-
23 partment of Defense shall be used for new production of
24 items not funded for production in fiscal year 1998 or
25 prior years, for the increase in production rates above

1 those sustained with fiscal year 1998 funds, or to initiate,
2 resume, or continue any project, activity, operation, or or-
3 ganization which are defined as any project, subproject,
4 activity, budget activity, program element, and subpro-
5 gram within a program element and for investment items
6 are further defined as a P-1 line item in a budget activity
7 within an appropriation account and an R-1 line item
8 which includes a program element and subprogram ele-
9 ment within an appropriation account, for which appro-
10 priations, funds, or other authority were not available dur-
11 ing the fiscal year 1998: *Provided*, That no appropriation
12 or funds made available or authority granted pursuant to
13 section 101 for the Department of Defense shall be used
14 to initiate multi-year procurements utilizing advance pro-
15 curement funding for economic order quantity procure-
16 ment unless specifically appropriated later.

17 SEC. 103. Appropriations made by section 101 shall
18 be available to the extent and in the manner which would
19 be provided by the pertinent appropriations Act.

20 SEC. 104. No appropriation or funds made available
21 or authority granted pursuant to section 101 shall be used
22 to initiate or resume any project or activity for which ap-
23 propriations, funds, or other authority were not available
24 during the fiscal year 1998.

1 SEC. 105. No provision which is included in an appro-
2 priations Act enumerated in section 101 but which was
3 not included in the applicable appropriations Act for fiscal
4 year 1998 and which by its terms is applicable to more
5 than one appropriation, fund, or authority shall be appli-
6 cable to any appropriation, fund, or authority provided in
7 this joint resolution.

8 SEC. 106. Unless otherwise provided for in this joint
9 resolution or in the applicable appropriations Act, appro-
10 priations and funds made available and authority granted
11 pursuant to this joint resolution shall be available until
12 (a) enactment into law of an appropriation for any project
13 or activity provided for in this joint resolution, or (b) the
14 enactment into law of the applicable appropriations Act
15 by both Houses without any provision for such project or
16 activity, or (c) October 9, 1998, whichever first occurs.

17 SEC. 107. Appropriations made and authority grant-
18 ed pursuant to this joint resolution shall cover all obliga-
19 tions or expenditures incurred for any program, project,
20 or activity during the period for which funds or authority
21 for such project or activity are available under this joint
22 resolution.

23 SEC. 108. Expenditures made pursuant to this joint
24 resolution shall be charged to the applicable appropriation,
25 fund, or authorization whenever a bill in which such appli-

1 cable appropriation, fund, or authorization is contained is
2 enacted into law.

3 SEC. 109. No provision in the appropriations Act for
4 the fiscal year 1999 referred to in section 101 of this Act
5 that makes the availability of any appropriation provided
6 therein dependent upon the enactment of additional au-
7 thorizing or other legislation shall be effective before the
8 date set forth in section 106(c) of this joint resolution.

9 SEC. 110. Appropriations and funds made available
10 by or authority granted pursuant to this joint resolution
11 may be used without regard to the time limitations for
12 submission and approval of apportionments set forth in
13 section 1513 of title 31, United States Code, but nothing
14 herein shall be construed to waive any other provision of
15 law governing the apportionment of funds.

16 SEC. 111. This joint resolution shall be implemented
17 so that only the most limited funding action of that per-
18 mitted in the joint resolution shall be taken in order to
19 provide for continuation of projects and activities.

20 SEC. 112. Notwithstanding any other provision of
21 this joint resolution, except section 106, for those pro-
22 grams that had high initial rates of operation or complete
23 distribution of fiscal year 1998 appropriations at the be-
24 ginning of that fiscal year because of distributions of fund-
25 ing to States, foreign countries, grantees or others, similar

1 distributions of funds for fiscal year 1999 shall not be
2 made and no grants shall be awarded for such programs
3 funded by this resolution that would impinge on final
4 funding prerogatives.

5 SEC. 113. Notwithstanding any other provision of
6 this joint resolution, except section 106, the rate for oper-
7 ations for projects and activities that would be funded
8 under the heading “International Organizations and Con-
9 ferences, Contributions to International Organizations” in
10 the Departments of Commerce, Justice, and State, the Ju-
11 diciary, and Related Agencies Appropriations Act, 1999,
12 shall be the amount provided by the provisions of section
13 101 multiplied by the ratio of the number of days covered
14 by this resolution to 365.

15 SEC. 114. Notwithstanding any other provision of
16 this joint resolution, except section 106, the rate for oper-
17 ations for the following activities funded with Federal
18 Funds for the District of Columbia, shall be at a rate for
19 operations not exceeding the current rate, multiplied by
20 the ratio of the number of days covered by this joint reso-
21 lution to 365: Corrections Trustee Operations, Offender
22 Supervision, Public Defender Services, Parole Revocation,
23 Adult Probation, and Court Operations.

24 SEC. 115. Activities authorized by sections
25 1309(a)(2), 1319, 1336(a), and 1376(c) of the National

1 Flood Insurance Act of 1968, as amended (42 U.S.C.
2 4001 et seq.), may continue through the date specified in
3 section 106 of this joint resolution.

4 SEC. 116. Section 28f(a) of title 30, U.S.C., is
5 amended by striking the words “The holder” through
6 “\$100 per claim.” And inserting “The holder of each
7 unpatented mining claim, mill, or tunnel site located pur-
8 suant to the mining laws of the United States before Octo-
9 ber 1, 1998 shall pay the Secretary of the Interior, on
10 or before September 1, 1999 a claim maintenance fee of
11 \$100 per claim site.”. Notwithstanding any other provi-
12 sion of law, the time for locating any unpatented mining
13 claim, mill, or tunnel site pursuant to 30 U.S.C. 28g may
14 continue through the date specified in section 106 of this
15 joint resolution.

16 SEC. 117. The amounts charged for patent fees
17 through the date provided in section 106 shall be the
18 amounts charged by the Patent and Trademark Office on
19 September 30, 1998, including any applicable surcharges
20 collected pursuant to section 8001 of P.L. 103–66: *Pro-*
21 *vided*, That such fees shall be credited as offsetting collec-
22 tions to the Patent and Trademark Office Salaries and
23 Expenses account: *Provided further*, That during the pe-
24 riod covered by this joint resolution, the commissioner may
25 recognize fees that reflect partial payment of the fees au-

1 thorized by this section and may require unpaid amounts
2 to be paid within a time period set by the Commissioner.

3 SEC. 118. Notwithstanding sections 101, 104, and
4 106 of this joint resolution, until 30 days after the date
5 specified in section 106, funds may be used to initiate or
6 resume projects or activities at a rate in excess of the cur-
7 rent rate to the extent necessary, consistent with existing
8 agency plans, to achieve Year 2000 (Y2K) computer con-
9 version.

10 SEC. 119. Notwithstanding any other provision of
11 this joint resolution, except section 106, the amount made
12 available for projects and activities for decennial census
13 programs shall be the higher of the amount that would
14 be provided under the heading “Bureau of the Census,
15 Periodic Censuses and Programs” in the Departments of
16 Commerce, Justice, and State, the Judiciary, and Related
17 Agencies Appropriations Act, 1999, as passed by the
18 House, or the amount that would be provided by such Act
19 as passed by the Senate, or the amount of the budget re-
20 quest, multiplied by the ratio of the number of days cov-
21 ered by this resolution to 365.

○